

**9018. Misbranding of orange marmalade and assorted jams. U. S. \* \* \* v. 368 Cases \* \* \* of Orange Marmalade and 792 Cases \* \* \* of Assorted Jams. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 13798, 13799. I. S. Nos. 7516-t, 7519-t. S. Nos. E-2833, E-2834.)**

On October 20, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 368 cases, each containing 6 cans of orange marmalade, and 792 cases, each containing 24 cans of assorted jams, remaining unsold in the original unbroken packages, at New York, N. Y., alleging that the articles had been shipped, respectively, on or about May 7, 1920, and March 31, 1920, by the Braden Preserving Co., Inc., Pasadena, Calif., and transported from the State of California into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The marmalade was labeled in part: "Braden's Orange Marmalade \* \* \* Net Contents 7 Lbs." The jams were labeled in part, "Braden's Jam \* \* \* Net Contents 1 Lb. 9 Oz."

Misbranding of the articles was alleged in the libels for the reason that the packages and the labels thereon bore statements regarding the articles and the ingredients and the substances contained therein, to wit, "Net Contents 7 Lbs.," or "Net Contents 1 Lb. 9 Oz.," which were false and misleading and deceived and misled the purchaser, the net contents of each can containing the articles being less than 7 pounds, or less than 1 pound and 9 ounces. Misbranding was alleged for the further reason that said articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, the contents of each of the said packages being less than 7 pounds or 1 pound and 9 ounces, the amounts marked thereon.

On December 23, 1920, the Sunglo Co., Inc., the claimant and consignee, having admitted the truth of the allegations of the libels and consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the aggregate sum of \$9,500, in conformity with section 10 of the act, conditioned in part that the claimant, at its own expense, cause the goods to be relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

**9019. Adulteration of dates. U. S. \* \* \* v. 400 Packages \* \* \* of Dates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13809. I. S. No. 3898-t. S. No. C-2561.)**

On October 28, 1920, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 packages, more or less, of dates, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by C. C. Parsell Co., Chicago, Ill., on or about July 12, 1920, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance, and was mixed with hair from cowhide wrappings.

On December 17, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*